

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 59

(Revised Short Form Complaint and Amended Short Form Complaint
re: Addition of Cook Defendants; **Revised** Motion to Transfer MDL)

I recently entered PTO # 13 in the In re: Cook Medical, Inc. Pelvic Repair System Products Liability Litigation, MDL 2440 titled Direct Filing Order; Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings Due Date. As a result, attached are a **revised** (1) Short Form Complaint (Exhibit A); and a **revised** (2) Amended Short Form Complaint (Exhibit B) that reflect the inclusion of defendants from the Cook MDL: Cook Incorporated, Cook Medical Incorporated and Cook Biotech Incorporated (collectively referred to as the “Cook Defendants”).

It is **ORDERED** as follows:

- (1) While PTO ##s 14, 25, 29, and 48 remain in force and effect where applicable, parties filing Short Form Complaints in new cases or Amended Short Form Complaints in existing cases, where appropriate, **must use the revised forms attached to this PTO and located on the court’s website beginning no later than November 21, 2013.**
- (2) To the extent a plaintiff filed a Short Form Complaint or an Amended Short Form Complaint in this MDL before the entry of this order naming one or more of the Cook

Defendants (by writing in or otherwise adding the Cook Defendants on the Short Form or Amended Short Form Complaint), this procedure was improper pursuant to PTOs cited above. Plaintiff must file an Amended Short Form Complaint within thirty (30) days of entry of this order using the court's form referenced above.

- (3) A revised PDF fillable form entitled "Motion to Transfer MDL," which also can be found on the court's website and which enables parties to now transfer their case, where necessary, to any of the six (6) MDLs assigned to me, is attached hereto as Exhibit C and must be used by the parties in place of the previous PDF fillable form.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-28572. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: November 14, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE